

ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
FEB 15 2008
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SUE BEITIA, CLERK

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

STEVEN DECOSTA IN HIS)	CIVIL NO. CV03-00598 DAE LEK
REPRESENTATIVE CAPACITY AS)		
CHAIRPERSON OF THE BOARD)		PLAINTIFFS' WITNESS LIST;
OF TRUSTEES OF UNITED)		CERTIFICATE OF SERVICE
PUBLIC WORKERS, AFSCME,)		
LOCAL 646, AFL-CIO, MUTUAL)		
AID FUND TRUST, REAL PARTY)		
IN INTEREST UNITED PUBLIC)		
WORKERS, AFSCME, LOCAL 646,))		
AFL-CIO,)		Trial Dates: February 29, March 6, 7,
)		and 11, 2008
Plaintiffs,)		
)		
vs.)		
)		
GARY W. RODRIGUES,)		
)		
Defendant.)		
)		

PLAINTIFFS' WITNESS LIST

Plaintiffs Steven DeCosta in his Representative Capacity as Chairperson of the United Public Workers, AFSCME, Local 646, AFL-CIO, Mutual Aid Fund Trust, Real Party in Interest United Public Workers, AFSCME, Local 646, AFL-CIO ("Mutual Aid Fund") intend to call the following witnesses at trial:

1. Albert Hewitt [via deposition]

Mr. Hewitt's testimony will include facts regarding his role in connection with the Best Rescue loans, that Mr. Rodrigues was his only point of contact on behalf of the Mutual Aid Fund Trust, that he understood that Mr. Rodrigues had authority to make and direct the Best Rescue loans, that there were no investment guidelines in place for the Mutual Aid Fund, that UPW Pension Fund monies were not invested in Best Rescue due to ERISA constraints, that he informed Mr. Rodrigues regarding the start-up nature of Best Rescue and of Mr. Hewitt's ties to Best Rescue, that Best Rescue did not repay the loans, and that Mr. Hewitt served time in prison for his role in connection with the Best Rescue loans.

2. Alison Leong [direct exam - estimated 45 min.]

Ms. Leong's testimony will include facts regarding her role as a Trustee on the Mutual Aid Fund Trust's Board of Trustees during the time of the Best Rescue loans and thereafter, that Mr. Rodrigues controlled and managed the Trust investments, that the Trustees followed his direction and recommendations, that

Board meetings were infrequent and short, that Board approval for the Best Rescue loans was not sought or obtained, and that the Board was provided untimely and limited information regarding Best Rescue by Mr. Rodrigues, and AFSCME's involvement following the criminal guilty verdict entered against Mr. Rodrigues.

3. George Yasumoto [direct exam - estimated 45 min.]

Mr. Yasumoto's testimony will include facts regarding his role as a Trustee on the Mutual Aid Fund Trust's Board of Trustees during the time of the Best Rescue loans, that Mr. Rodrigues controlled and managed the Trust investments, that the Trustees followed his direction and recommendations, that Board meetings were infrequent and short, that Board approval for the Best Rescue loans was not sought or obtained, that the Board was provided untimely and limited information regarding Best Rescue by Mr. Rodrigues, and AFSCME's involvement following the criminal guilty verdict entered against Mr. Rodrigues.

4. Dayton Nakanelua [direct exam - estimated 1 hour (note: he is out of town on 2/29/08)]

Mr. Nakanelua's testimony will include facts regarding his role as a UPW employee in connection with the Mutual Aid Fund Trust's Board of Trustees during the time of the Best Rescue loans, that Mr. Rodrigues controlled and managed the Trust investments, that the Trustees followed his direction and recommendations, that Board meetings were infrequent and short, that Board approval for the Best

Rescue loans was not sought or obtained, that the Board was provided untimely and limited information regarding Best Rescue by Mr. Rodrigues, that the Best Rescue loans were not repaid, the amounts due and owing, AFSCME's audit and efforts taken to collect the amounts due to the Mutual Aid Fund, and the ERISA nature of the Mutual Aid Fund.

Plaintiffs also reserve the right to call the following witnesses, only if necessary:

5. Gary Rodrigues [direct exam - estimated 1 hour]

Mr. Rodrigues' testimony will include facts regarding his role in connection with the Best Rescue loans, that he was the only point of contact with Albert Hewitt on behalf of the Mutual Aid Fund Trust, that Mr. Rodrigues made and directed the Best Rescue loans, that there were no investment guidelines in place for the Mutual Aid Fund at the time of the loans, that UPW Pension Fund monies were not invested in Best Rescue due to ERISA constraints, that he understood that the Mutual Aid Fund was an ERISA plan, that he was informed of the start-up nature of Best Rescue and of Mr. Hewitt's ties to Best Rescue, that Best Rescue did not repay the loans, and AFSCME's audit and initiation of recovery efforts.

6. Jeanne Endo [direct exam - estimated 30 minutes]

Ms. Endo's testimony will include facts regarding her role as a UPW employee in connection with the Mutual Aid Fund Trust's Board of Trustees during

the time of the Best Rescue loans, that Mr. Rodrigues controlled and managed the Trust investments, that the Trustees followed his direction and recommendations, that Board meetings were infrequent and short, that Board approval for the Best Rescue loans was not sought or obtained, that the Board was provided untimely and limited information regarding Best Rescue by Mr. Rodrigues, that the Best Rescue loans were not repaid, the amounts due and owing, and AFSCME's audit.

7. Larry Weinberg [direct exam - estimated 30 min.]

Mr. Weinberg's testimony will include facts regarding his role as counsel for AFSCME, AFSCME's audit and due diligence regarding Best Rescue, and efforts to recover the amounts owed to the Mutual Aid Fund.

8. Steven DeCosta [direct exam - estimated 10 min.]

Mr. DeCosta's testimony will include facts regarding his role as a current Trustee of the Mutual Aid Fund.

DATED: Honolulu, Hawaii, February 15, 2008.



JAMES E.T. KOSHIBA
CHARLES A. PRICE
Attorneys for Plaintiffs

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AS CHAIRPERSON OF THE)	CERTIFICATE OF SERVICE
BOARD OF TRUSTEES OF)	
UNITED PUBLIC WORKERS,)	
AFSCME, LOCAL 646, AFL-CIO,)	
MUTUAL AID FUND TRUST,)	
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UNITED PUBLIC WORKERS,)	
AFSCME, LOCAL 646, AFL-CIO,)	
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Plaintiffs,)	
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GARY W. RODRIGUES,)	
)	
Defendant.)	
_____)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date noted below, a copy of the foregoing document was duly served upon the following by hand delivery, addressed as follows:

ERIC A. SEITZ, ESQ.
820 Mililani Street, Suite 714
Honolulu, Hawaii 96813

Attorney for Defendant
GARY RODRIGUES

DATED: Honolulu, Hawaii, February 15, 2008.

A handwritten signature in cursive script, reading "Charles Price", written over a horizontal line.

JAMES E.T. KOSHIBA
CHARLES A. PRICE
Attorneys for Plaintiffs